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MONTANA LEGISLATIVE HISTORY

Chapter 197 19 93

Bill H _____ S 372 Original bill & history ____C

H. Committee on Business & Economic Development		S. Committee on Business & Industry	
Hearing Date(s) Mar 05	✓C	Hearing Date(s) Feb 17	✓C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Mar 05	✓C	Feb 19	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/11	3RD READING CONCURRED	78	22
	RETURNED TO SENATE		
3/16	SIGNED BY PRESIDENT		
3/16	SIGNED BY SPEAKER		
3/17	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 139		
	EFFECTIVE DATE: 03/22/93		

SB 370 INTRODUCED BY RYE

WAIVE DELINQUENT TAX ON PROPERTY SUBJECT TO A STATUTORY DUTY

2/12	INTRODUCED		
2/12	REFERRED TO TAXATION		
2/12	FIRST READING		
3/02	HEARING		
3/05	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/06	2ND READING PASSED	46	0
3/08	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/09	REFERRED TO TAXATION		
3/09	FIRST READING		
3/16	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	93	4
4/01	3RD READING CONCURRED	91	8
	RETURNED TO SENATE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	50	0
4/07	3RD READING AMENDMENTS CONCURRED	49	0
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 422		
	EFFECTIVE DATE: 04/20/93		

SB 371 INTRODUCED BY RYE

CLARIFY AND LIMIT AUTO INSURER'S LIABILITY TO INSURED

2/12	INTRODUCED		
2/12	REFERRED TO JUDICIARY		
2/12	FIRST READING		
2/20	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED		
2/23	2ND READING PASSED	48	1
2/24	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
3/01	REFERRED TO JUDICIARY		
3/01	FIRST READING		
3/18	HEARING		
3/25	TABLED IN COMMITTEE		

SB 372 INTRODUCED BY SWYSGOOD

REQUIRE BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS TO ESTABLISH PROVISIONS BY RULE TO ACCOUNT FOR PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR LICENSURE AS A

PROFESSIONAL COUNSELOR THROUGH A GRADUATE DEGREE OR LICENSURE FROM ANOTHER STATE

2/12	INTRODUCED		
2/12	REFERRED TO BUSINESS & INDUSTRY		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/17	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	31	13
2/23	3RD READING PASSED	42	7
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/23	FIRST READING		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	71	26
3/12	3RD READING CONCURRED	72	25
	RETURNED TO SENATE		
3/18	SIGNED BY PRESIDENT		
3/21	SIGNED BY SPEAKER		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 197		
	EFFECTIVE DATE: 03/26/93		

SB 373 INTRODUCED BY BECK

REVISE MOTOR VEHICLE LAWS

BY REQUEST OF DEPARTMENT OF JUSTICE

2/12	INTRODUCED		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/16	HEARING		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
3/16	HEARING		
3/18	TABLED IN COMMITTEE		
3/26	COMMITTEE REPORT—BILL PASSED		
3/27	2ND READING PASSED	40	5
3/29	3RD READING PASSED	47	1
	TRANSMITTED TO HOUSE		
3/30	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/30	FIRST READING		
4/01	HEARING		
4/01	TABLED IN COMMITTEE		
4/06	COMMITTEE REPORT—BILL CONCURRED		
4/07	2ND READING CONCURRED	96	1
4/13	3RD READING CONCURRED	99	1
	RETURNED TO SENATE		
4/17	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/20	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 482		
	EFFECTIVE DATE: 10/01/93—SECTIONS 1-3, 5-10		
	EFFECTIVE DATE: 01/01/94—SECTION 4		

Proponents' Testimony:

Melissa Broch, Staff Attorney, Securities Department, State Auditors Office, read from prepared testimony in support of SB 357 (Exhibit #1).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Klampe asked Ms. Broch if a person would have to raise their own fifth amendment rights. Ms. Broch stated that was correct. Senator Klampe asked how the rights were raised. Ms. Broch stated the rights may be raised by declining a response to the subpoena. She stated the Department would then go into district court and obtain an order enforcing the subpoena. She stated the person would be immune from prosecution if he or she were compelled to surrender documents. Senator Klampe asked how a person would decline to respond. Ms. Broch stated it could be verbal or written stating they were not going to respond to the subpoena.

Closing by Sponsor:

Senator Doherty closed on SB 357, stating it would be an important tool for the Securities Commission. He stated SB 357 would clarify rights regarding administrative subpoena's.

EXECUTIVE ACTION ON SB 357

Motion/Vote:

Senator Klampe moved SB 357 DO PASS. The motion CARRIED UNANIMOUSLY.

HEARING ON SB 372

Opening Statement by Sponsor:

Senator Swysgood, Senate District 37, stated SB 372 addressed the Board of Social Worker. He stated SB 372 deals with the interpretations to the rules relating to the licensing of professional counselors. He stated the Board's rules say a person has to have a continuing study course in order to be licensed as a professional counselor. Prior to making the decision on the rule, there was a time limit allowing for people who didn't have the number of hours to take the credits at a

college and become an LPC (Licensed Professional Counselor). He stated the problem is there are people with some of the requirements, but they are not able to acquire the additional hours necessary for licensure under the Board's rules. He stated SB 372 says if a person has 45 or more semester hours which were acquired within 5 years of application to the Board, the Board should allow a person to get the remaining necessary requirements at an accredited college.

Proponents' Testimony:

None.

Opponents' Testimony:

Dr. Bob Bakko, Executive Director, Northwest Counseling Centers, stated he opposed SB 372. He stated there are national standards on which the original law was proposed and passed. He stated there was a "grandfather clause" on the original law which terminated in January 1992. He stated not all counseling courses meet the qualifications to be an LPC. He stated the minimum standards are for a reason and they meet the national standards, and he noted the problem is not limited to Montana.

Mary Hamlin, Administrative Assistant, Board of Social Work Examiners for Professional Counselors, read from a letter prepared by Mr. Simonton, Chairman of the Board (Exhibit #2).

Questions From Committee Members and Responses:

Senator Toews asked Dr. Bakko what the purpose for not giving people time to get licensed was. Dr. Bakko stated people were given a chance to acquire the necessary credits, but the reason was for national uniformity.

Senator Christiaens asked Dr. Bakko if there were so many applications, why there was such a need for the people in the field. Dr. Bakko stated the issue is quality and there are fewer counselors, but the available ones are highly qualified.

Senator Christiaens asked Dr. Bakko what the opportunity would be for a counselor who wants to come under compliance but isn't able to according to the Board's rules. Dr. Bakko stated there was no opportunity unless a person wanted to return to school and start over. He stated the system is closed, but protects minimum standards for quality of care.

Senator Bruski-Maus asked Dr. Bakko if most master's degree materials would cover the requirements to become an LPC. Dr. Bakko stated there were certain programs which applied.

Senator Harding asked Dr. Bakko who the Board was trying to protect. Dr. Bakko stated the Board was protecting the LPC's and it was a large group. He stated the national standards protect the consumer's right to quality.

Senator Koehnke asked Dr. Bakko if a person passed national standards, would they then meet the state's standards. Dr. Bakko stated the federal standards coincide with the state standards.

Senator Mesaros asked Dr. Bakko if it was up to the Board to decide if a person would qualify to be an LPC. Dr. Bakko stated there are regulations the Board has which define the qualifications a person must have to become an LPC.

Senator Klampe asked Dr. Bakko if there were remedies for a person trying to meet the standards who already has some credit hours in the field, but not enough. Dr. Bakko stated there was no remedy except the person would have to return to school and start over.

Closing by Sponsor:

Senator Swysgood stated it is "ludicrous" that the state can not afford people who have some education to continue on and fulfill the requirements of the national standards. He stated SB 372 doesn't change the standards. He stated the Committee may have the option to change the 5 years if they felt it necessary.

ADJOURNMENT

Adjournment: 10:55 a.m.

SENATOR J.D. LYNCH, Chair

KRISTIE WOLTER, Secretary

JDL/klw

ROLL CALL

SENATE COMMITTEE Business & Industry DATE 2/17/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	✓		
Senator Christiaens	✓		
Senator Bruski-Maus	✓		
Senator Gage	✓	✓	
Senator Hager		✓	
Senator Harding	✓		
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Kuehnke	✓		
Senator Mesaros	✓		
Senator Rea			✓
Senator Toews	✓		
Senator Wilson			✓

FC8

Attach to each day's minutes

BOARD OF SOCIAL WORK EXAMINERS
DEPARTMENT OF COMMERCE

STAN STEPHENS, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

(406) 444-3737

HELENA, MONTANA 59620-0407

February 17, 1993

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 2/17/93
BILL NO. SB 372

Senator J. D. Lynch
Capitol Station
Helena, Montana 59620

Re: S.B. 372

Dear Senator Lynch:

The Board of Social Work Examiners and Professional Counselors, the Board responsible for the licensing of social workers and counselors, unanimously opposes S.B. 372 which would amend Section 37-23-202 M.C.A. We had hoped that one or more of our Members could personally testify against the Bill but the short notice precludes us from doing so. Since we work with the current licensing laws and regulations, we hope that you will find our comments of assistance.

S.B.372 essentially reduces the academic requirements for licensure of a professional counselor and substitutes either experience or a program to acquire the academic studies within a five (5) year period. While on the surface that may appear rather harmless, it essentially undoes what the Board of Social Work Examiners and Professional Counselors and the University System have been working towards. We have been trying to standardize the requirements for licensure; meet minimum national requirements; and remove the subjectivity from the Application process.

A review of the Statement of Intent must arouse your suspicions. As it states, the proposed legislation is to provide an opportunity for persons "who partially fulfill the requirements for licensure as a professional counselor to fulfill the requirements." I can assure you that procedures currently exist to fulfill the licensing requirements. This Bill in effect says that the State of Montana should reduce its standards and grant licenses to counselors who do not meet the licensing requirements. The question should be very simple: does an Applicant meet the requirements for licensure or doesn't he or she? Do we license those individuals who just about meet the requirements of a pharmacist or a lawyer?

The Statement of Intent also violates the Equal Protection clause of the State and Federal Constitutions in that it provides "it is not the intent of the Legislature to allow a person without a Graduate Degree or a License from another State to circumvent the

requirements for licensure". Do we allow Montana residents who do not meet the licensing requirements to nevertheless be licensed but turn away non-residents with the same qualifications? Such a provision is discriminatory. It would not withstand judicial scrutiny.

National standards recommend a minimum of 60 Semester Hours in academics in 8 Core Areas. This is for minimum competency. The experience of the Counselors on our Board can attest that the current requirements assure only minimum competency.

This Bill would allow the substitution of counseling experience for academic requirements. Who will be responsible for determining which of the 8 Core Areas of academics is not essential and can be pushed aside? Will it be this Board? Will it be the Universities?

Those with 45 Semester Hours, as proposed, will have five (5) years to make up the additional 15. Who is going to monitor those with the sub-standard Licenses to assure that they will fulfill the academic requirements in five (5) years? If they have been issued a License and do not complete the requirements in five (5) years, you can well imagine the lawsuits that will be filed when the Board tries to revoke those Licenses.

When the current licensing laws were passed in 1985, the 60 Semester Hour academic requirement was waived until after December 31, 1987. From that time 60 Semester Hours (90 Quarter Hours) have been required. Faced with a flood of complaints from Applicants who needed additional time to complete those requirements, the Board extended the period until September of 1992 to complete them. Many took advantage of that opportunity but some did not, but the Board did not reduce the academic requirement that is provided by law. It did not issue a "watered down" license while Applicants completed the academic requirements.

Montana's current Law is one of the top three or four in the Nation and has served as a model for other States. It currently meets National Standards. The University of Montana has created an Ed.S. Degree which, when completed, satisfies the Academic Standards now existing. Other Schools have indicated a willingness to work with Applicants to satisfy the Practicum Requirements. The mechanics are already in place to assist those individuals wanting licensing who may be lacking in the Academic Requirements to satisfy them.

Irvin Booth, a Licensed Professional Counselor and Member of this Board, for years has reviewed Applications and Pre-Applications to determine if the prerequisites for licensure have been met. At times he has reviewed over 500 Applications in a ten-week period and during the review process he would receive telephone calls from

2-17-93
SB-372

all over the world 24 hours a day. If S.B. 372 should somehow become Law, he fears that the flood-gates would be opened and a paperwork nightmare would be created. He estimates that one to three full time professional counselers plus 1 additional Professor at each University Unit as well as secretarial staff would have to be hired. Those expenses together with travel and other incidentals would cost the State a minimum of $250,000 to screen the numerous Applications and determine subjectively whether the pre-testing Applications meet the new requirements. Mr. Booth also envisions increases in University staffs at a time when the University System will likely have its Budget cut.

This Board has excellent cooperation from the Univeristy System in attempting to standardize the requirements for licensure. S.B.372 would not just dilute those efforts to improve the licensing process, it would kill them.

S.B. 372 would be a slap in the face to those Professional Counselors already licensed and who have met the academic requirements.

S.B.372 should never have been given life - now it should be killed

Yours very truly,

RICHARD A. SIMONTON

RAS:ms
Encl/

DATE 2/17/93

SENATE COMMITTEE ON Business & Industry

BILLS BEING HEARD TODAY: SB 357, SB 367, SB 372, SJR 16

Name	Representing	Bill No.	Check One Support	Oppose
Melissa Brock	State Auditor's office	357	✓	
MC Hamelin	Dept of Commerce	372		✓
Dr Bob Brown	MCOHHCA	372		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

Motion/Vote:

Senator Christiaens moved SB 367 be TABLED. The motion CARRIED 10 to 3 ON ROLL CALL VOTE.

EXECUTIVE ACTION ON SB 372

Motion/Vote:

Senator Toews moved SB 372 DO PASS. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 51

Discussion:

Senator Lynch stated there was a "gray bill" on SB 51 which included all the amendments (Exhibit #3).

Senator Klampe stated the head of the Department has only been in the position for 6 weeks and she needs the chance to make changes in the Department.

Motion/Vote:

Senator Mesaros moved SB 51 BE AMENDED. The motion CARRIED UNANIMOUSLY.

Motion:

Senator Mesaros moved SB 51 DO PASS AS AMENDED.

Discussion:

Senator Rea asked if the investigations by the liquor division and the revenue division could be integrated. Mark Staple, Montana Tavern Association, stated there was a bill coming which would address this issue.

Senator Klampe stated Oregon owns its machines, so there is no comparison to Montana.

Senator Toews stated he supported SB 51 because of the two types of authority, and it affords the Department two opportunities to deny licenses.

Senator Mesaros stated he supports the issuance of temporary licenses, and there was no objection to the investigation.

Executive Session

ROLL CALL

SENATE COMMITTEE Business & Industry DATE 2/18/93

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	✓		
Senator Christhaens	✓		
Senator Bruski-Maus	✓		
Senator Gage	✓		
Senator Hager	✓		
Senator Harding	✓		
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Kuehnke	✓		
Senator Mesaros	✓		
Senator Rea	✓		
Senator Toews	✓		
Senator Wilson	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 19, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration Senate Bill No. 372 (first reading copy -- white), respectfully report that Senate Bill No. 372 do pass.

Signed: _____
Senator John "J.D." Lynch, Chair

Amd. Coord.
Sec. of Senate

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on March 5, 1993, at 9:00 A.M.

ROLL CALL

Members Present:
Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (R) D
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 241, SB 263 and SB 372
Executive Action: SB 241, SB 372 and SB 390

HEARING ON SB 372

Opening Statement by Sponsor:

SEN. CHARLES SWYSGOOD, Senate District 37, Dillon, said SB 372 addresses an area of concern which deals with social workers and professional counselors and their ability to be licensed in the

state, and the board's interpretation and rule for licensure. He said this bill does not reduce the requirements necessary for licensure as a professional counselor. He said there was concern in the Senate that SB 372 would reduce these requirements. The bill does allow the opportunity for the social workers and professional counselors that have partial requirements to be able to go to an accredited school to receive the remainder of the hours necessary for a licensure. He informed the committee this bill will provide by rule for licensure of a person who possesses a minimum of 45 semester hours graduate degree which is primarily related to counseling, and from an institution accredited to offer a graduate program in counseling by specifying the additional graduate credit hours necessary to fulfill the requirements. He referred to subsection 1 (a), regarding counseling courses in an approved program within a period of 5 years, stating SB 372 will allow these counselors to go back to school and receive the remaining 15 hours required for their licensure. The planned graduate program of 90 quarter hours was deleted in the Senate and replaced with 60 semester hours. The current law states the counselors need 60 continuous semester hours to receive their professional licensure, but this bill will allow for these people to go back and take the additional 15 hours needed for a total of 60 semester hours without having to start all over again. SEN. SWYSGOOD said there is a need for these counselors, and it isn't right that they have to have 60 continuous semester hours to be licensed. He urged the committee to concur on SB 372.

Proponents' Testimony:

Jack McDonald, Self, said section b, on page 3, is designed to keep these people out of their profession. He asked the committee to strike section b in its entirety.

Mary McCue, Montana Clinical Mental Health Counselors Association, said this association is made up of 120 licensed professional counselors who are mainly in private clinical practices. She said many of the counselors in the association were concerned that SB 372 would dilute the licensing requirement, but decided it does not change the substantive requirement for licensure, and will extend the period of time a person can complete the requirements. She said the association would be against the amendment proposed by Mr. McDonald to strike section b. She said any repealing of the clinical requirement would be a substantial change in the licensure law, and the association would oppose it. She distributed a handout to inform the committee what a licensed professional counselor is, and what they do. **EXHIBIT 1**

Opponents' Testimony:

Richard Horswill, MSU, Bozeman, has been in the counseling education program for 20 years. He said there is a problem in discontinuing the 60 continuous semester hours, and would place

the citizens of Montana at risk. The citizens of the state have a right to expect these people to be licensed and who offer counseling services to be trained at the current level of expected proficiency as defined by the profession. He distributed written testimony. **EXHIBIT 2**

Dr. Dale Brotherton, MSU, Bozeman, said he has an LPC license. He read #3 of Mr. Horswill's handout. He said the American Counseling Association's Accreditation Agency will only accredit Mental Health Counseling and Marriage, and Family Counseling programs to require a minimum of 60 semester hours. The national movement is to license only those persons graduating from a 60-hour program. **EXHIBIT 2**

Dr. Michael Waldo, MSU, Bozeman, said he is against the bill as it is written, but does feel the door needs to be opened for qualified people to move into the licensure field. He said they do not want licensed people that have been trained in a specific area of counseling or a low level of training, and then have them be responsible as an independent practitioner. He said both needs could be taken care of with a modified version of the bill. He also read part Mr. Horswill's handout. **EXHIBIT 2**

Dr. Leta Livoti, LPC and LSW, and member of the Board of Social Work Examiners and Professional Counselors. Dr. Livoti is the chairperson of Carroll College's Social Work Department, and a professor at the college. She said the academic training of less than 60 semester hours with only 1,000 supervisory hours is not adequate training to entrust counselors to deal with many of the serious and life threatening problems often encountered, such as suicide, sexual abuse, child custody cases, and commitments to mental hospitals. She distributed written testimony. **EXHIBIT 3**

Erv Booth, SW, LPC, and on the Licensure Board, addressed two major proposed changes in the current licensure law for professional counselors: 1) that counselors who currently hold a master's degree in counseling, and have less than 60 semester credits be allowed to earn the additional credits needed by going back to school; and 2) to have the licensing board substitute experience for the necessary academic training. **EXHIBIT 4**

Eric Shores, MSU, Bozeman, said he is a graduate student. He said the 60 hour requirement is a minimum and barely adequate requirement.

Kevin Wise, MSU, Bozeman, said he is also a graduate student and opposes SB 372.

Elizabeth Mues, MSU, Bozeman, is a graduate student at MSU and said she is opposed to SB 372.

Heidi Sprizer, MSU, Bozeman, stated her opposition to SB 372.

Joyce O'Neill, MSU, Bozeman, said she opposes SB 372.

Questions From Committee Members and Responses:

REP. BACHINI asked **Mary McCue** why the comment was made that when the national standards come through, the counselors in Montana will not be able to receive a license in the state, what does the national standard have to do with what is done in Montana? **Ms. McCue** said it is true that the standards will be raised nationally. When that happens, the organization she represents will go before the board and plead to have portions of the licensure law changed to bring them up to the national standards. She said when that happens, the counselors can still be licensed in Montana. When the national standards take effect, a counselor in Montana will not be able to receive the national accreditation unless they are able to meet the requirements needed to comply with the standards because of third-party payers. She said the third-party payers will require the licensed counselors to have national accreditation.

REP. BRANDEWIE asked **Erv Booth** how long has his profession been able to receive third-party payments? **Mr. Booth** said third-party payments came into effect in 1987.

REP. BRANDEWIE asked **Dr. Horswill** about his comment that a person could go to a one year vocational guidance school and receive a degree, then attach 15 more credit hours of 400-level didactic course work. How can this be done when the requirement is for 60 semester hours? **Dr. Horswill** said it would be intensive, but would not include dealing with mental health issues. **Dr. Horswill** said a student could take two semester courses in the summer which would total 45 hours or more. **Dr. Horswill** said this pertains to the graduate degree program only, and cannot be accomplished as an undergraduate. The total number of years to receive a degree is 5 years. **Dr. Horswill** said third party payments came into effect in the 1987 session. **REP. BRANDEWIE** asked **Dr. Horswill** if this bill passes, would his students be able to receive accreditation under the program he teaches? **Dr. Horswill** said a credited institution would be able to offer a credited degree in counseling. He said this doesn't mean that the counseling program would be accredited by a separate accrediting agency. He listed all colleges in Montana that are accredited by CACREP, which is determined by other provisions of this law as an accredited body. **REP. BRANDEWIE** said if the bill is passed, it will not harm the students in these institutions with the accredited language in the bill? **Dr. Horswill** said that is correct. The students will still be able to receive their license.

REP. ELLIS asked **Mary McCue** about the difficulty in preparing for the test after the hours have been acquired. Would it be appropriate to have an intern or preceptor license for these people? **Ms. McCue** said she was not prepared for Mr. McDonald's proposal, and would prefer to go back to the association she represents and talk it over with them. **REP. ELLIS** asked **Ms. McCue** about the comment that this bill would threaten payments

from third party payers. Ms. McCue said as she understands it, SB 372 will allow for a counselor who already has the 45 semester hours to complete the additional 15 hours without having to go back to receive the 60 continuous semester hours at one time.

REP. STELLA JEAN HANSEN asked Mary C. Hamlin, Board of Social Worker Examiners, why the graduate students can't take the test to become licensed when they graduate from college instead of waiting until the 1000 hours of supervision is finished? **Ms. Hamlin** said the examination given by the board is the national counselors exam. It is used at this time by all licensing counseling boards in the nation, and is offered nationally for a national certificate. Any counselor that meets the national requirements which are similar to the licensure standards can apply to the national organization and take the national exam. She said the applicant for licensure must have completed the academic requirements, plus the 2000 hours of supervised experience.

REP. BRANDEWIE asked Dr. Horswill how many people are allowed in the graduate program at one time? Dr. Horswill said there is a total of 40 students. They accept 20 to 21 students every year for the two year program.

REP. COCCHIARELLA asked Dr. Horswill to clarify for the committee the number of faculty in the program? Dr. Horswill said there are seven people who teach the courses for the counseling program. Some of these professors have other responsibilities: undergraduate advising, undergraduate teaching, counseling in the counseling center at the university. He said there are three full time FTEs whose only job is teaching the counseling courses.

REP. MILLS asked Dr. Horswill where have all these people been in the last 8 years to not have qualified for their license, and why isn't there an accredited program? Dr. Horswill said the department has been building on the program for the last five years. They have been working the last two years to build the accreditation review program which should be in place by the end of this year.

Closing by Sponsor:

SEN. SWYSGOOD said the reason he carried this bill was for a constituent that has two master's degrees in counseling, but only had 50 credit hours. She was informed by the board she had to have 60 credit hours. She asked if there was some way she could get the other 10 hours she needed, and the board informed her she had to start all over because the 60 hours had to be continuous. **SEN. SWYSGOOD** called the board and asked if these people could take a course in a limited time frame to receive their license. The board said no, but informed him they used to do it, but not any more. He said the board interprets their own rules and regulations. He urged the committee to concur on SB 372.

Discussion: REP. DAILY said on page 1, lines 18 and 19, if there was a way the committee could include, "if a check was written fraudulently", so when the little ole' lady wrote a check by mistake they wouldn't be fined the $25.

REP. KNOX said this bill is totally unfair the way it is written, and agreed with REP. DAILY'S idea.

REP. ELLIS said the dollar amount is punitive. He offered an amendment to set the amount at a percent instead of a certain dollar amount. He said REP. DAILY'S suggestion would not work, because it would take a court case to decide if it was fraudulent.

REP. COCCHIARELLA offered an amendment. She spoke with SEN. VAN VALKENBURG who suggested the bill be amended in regard to the time of notice. On page 2, line 5, insert "5 calendar days of receiving notice".

Motion/Vote: REP. COCCHIARELLA MOVED TO ADOPT THE AMENDMENT. Voice vote was taken. Motion carried unanimously.

Discussion: REP. SIMON said a check is an agreement of honor i.e., "I agree to give this money". He said the bill needs to be killed.

Motion/Vote: REP. SIMON MADE A SUBSTITUTE MOTION THAT SB 263 BE TABLED. Voice vote was taken. Motion carried 15 - 3 with REPS. PAVLOVICH, MILLS AND BENEDICT voting no.

Vote: SB 263 BE TABLED. Motion carried 15 - 3.

EXECUTIVE ACTION ON SB 372

Motion: REP. BRANDEWIE MOVED SB 372 BE CONCURRED IN.

Discussion: REP. BRANDEWIE offered an amendment on page 3, line 15, following "examination", insert "at any time upon completion of their course of study", instead of waiting the 2000 hours of practice and losing all of the knowledge acquired during the course of the study.

REP. SIMON said this does not change the 2000 hours required before the people have received their license. The reciprocity would only apply to a person who is licensed in another state.

Susan Fox, Legislative Council, said in sub 1, 2, & 3, it states the board based on national examination and approved by the board, or the national board of certified counselors or national academy of certified clinical mental health counselors. If the tests require the 2000 hours to be accomplished before, then this amendment will have been taken care of. If the Legislature said

these tests are the ones the board may use, and the board already requires it, then they are in the same situation.

REP. LARSON said he agrees with **REP. BRANDEWIE'S** amendment. It is irrelevant when these people take the test.

REP. SONNY HANSON said if the Legislature allows these people to take the exam upon graduation with only 1000 hours, and they go to another state that requires the 2000 hours before the exam, the exam may not be valid through reciprocity, and they will have to take the test over again.

REP. TUSS said the 2000 hours isn't punitive, but helps the people to prepare for the exam by placing the academic into clinical practice. By virtue, the experience will make more sense and there will be more successful people.

REP. BRANDEWIE withdrew his amendment.

Motion/Vote: **REP. DAILY MOVED SB 372 BE CONCURRED IN.** The question was called. Roll call vote was taken. Motion carried 14 - 4 with **REPS. DOWELL, TUSS, STELLA JEAN HANSEN AND COCCHIARELLA** voting no. **EXHIBIT 7**

Vote: **SB 372 BE CONCURRED IN.** Motion carried 14 - 4.

ADJOURNMENT

Adjournment: 11:40 A.M.

STEVE BENEDICT, Chair

CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE 3-5-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

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HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 372 (third reading copy -- blue) be concurred in .

Signed: _____
Steve Benedict, Chair

Carried by: Rep. Brandewie

Committee Vote:
Yes 14, No 1.

SB123SC.Hss

EXHIBIT 1
DATE 3-5-93
SB 312

WHO ARE LICENSED PROFESSIONAL COUNSELORS LPC's?

Licensed Professional Counselors (LPC's) are licensed in Montana by the State Board of Social Work Examiners and Professional Counselors. A Licensed Professional Counselor has had to meet the qualifications standardized by the American Mental Health Counselors Association.

LPC's have an approved graduate school degree, either Masters or Doctorate, postgraduate supervised clinical work experience, and clinical supervision and have accepted specific Ethical Standards.

LPC's deliver clinical mental health services in a variety of settings including: private practice, community health centers, substance abuse facilities, schools and universities, churches, employee assistance programs and hospitals.

FOR MORE INFORMATION CALL
MCMHCA EXECUTIVE SECRETARY
(406) 538-2976

WHAT SERVICES DO LPC's PROVIDE?

LPC's provide clinical counseling services which involve and apply principles of psychotherapy, human development, learning theory, group dynamics and causes of dysfunctional behavior and emotional problems for the purpose of improving quality of life by treating and promoting optimal mental health.

MCMHCA

The PRACTICE of LPC's includes, but is not limited to, diagnosis and treatment of emotional and behavioral disorders, such as; anxiety-stress - depression - low self esteem - substance - grief/loss - relationship issues - gender issues - problems stemming from physical, emotional, and sexual abuse - job or career issues.

PSYCHOTHERAPY may be with individuals, children, adolescents, families, couples or groups.

CONSULTATION for workshops, conferences, or seminars is available.

LOCATING A LICENSED PROFESSIONAL COUNSELOR..

*Contact the Executive Secretary for the Montana Clinical Mental Health Counselors Association at 538-2976 for a listing of MCMHCA member LPC's nearest you....for information.

*Phone book advertising in the yellow pages under the headings of counseling, mental health services, or psychotherapy.

EFFECTIVE PSYCHOTHERAPY COST CONTAINMENT

*LPC's deliver quality mental health services at competitive fees in your own community.

*LPC's are eligible Providers for group health insurance pursuant to Section 33-22-111 of Montana Law.

*LPC's are approved providers of the Montana Medicaid Program pursuant to Section 53-6-101 of Montana Law.

*LPC's are trained to provide both short term and long term psychotherapy.

*LPC's are recognized as providers by some Managed Care Groups, HMO'S and PPO's as well as many Employee Assistance Programs.

MONTANA CLINICAL MENTAL

HEALTH COUNSELORS

ASSOCIATION.....

.....MCMHCA's Mission is to create and maintain clinical mental health counseling as a distinct and viable professional entity within the health care domain, assuring: 1. access to the special expertise of Licensed Professional Counselors, and 2. the right of LPC's to provide services in an open and free marketplace.

HOW DOES MCMHCA FULFILL ITS MISSION?

MCMHCA provides lobbying efforts related to legislation which affects Licensed Professional Counselors or their clients.

MCMHCA provides access to continuing education through professional development programs and opportunities to participate in professional training.

MCMHCA provides a public forum to enable Licensed Professional Counselors to address the needs of their clients.

MCMHCA works to increase public awareness and utilization of Licensed Professional Counselors that go beyond the traditional services of other providers.

MCMHCA provides information for members through a newsletter published four times a year.

MCMHCA offers many opportunities for leadership at local, state, regional, and national levels.

LICENSED PROFESSIONAL COUNSELORS

Sponsored by

MONTANA CLINICAL MENTAL HEALTH COUNSELORS ASSOCIATION

EXHIBIT 2
DATE 3-5-93
SB 372

TO: House Business and Economic Development Committee
Steve Benedict, Chair

The following are brief comments on our concerns about SB 372:

1. There are a limited number of psychologists and social workers in Montana, particularly in rural areas. LPCs are essential independent providers of mental health service in Montana. They need to be very well trained.

   Citizens of the state have a right to expect that those persons licensed to offer counseling services are trained at the current level of expected proficiency as defined by the profession.

2. Persons licensed under SB 372's provisions would not meet the current proficiency levels of the profession and will be less qualified to offer counselor services that those licensed under the previous law. For example, they could have received a one-year degree in Vocational Guidance and patched together 15 more credits of 400-level didactic course work. This is inappropriate training for professionals responsible for independent mental health service provision, and is not allowed under the current law.

3. The American Counseling Association's Accreditation Agency will only accredit Mental Health Counseling and Marriage and Family Counseling programs requiring a minimum of 60 semester hours. The national movement is to license only those persons graduating from a 60-hour program.

4. With the reduction of the licensure requirements, third-party payers may not honor services provided by those licensed by this law. This could constitute an economic hardship for Montana citizens and reduce the availability of services they can access.

5. Since the first law was passed in 1985, counselors had until September 1992 to become licensed with a master's degree of less than 60 semester credit-hours and adding on the necessary credit-hours to meet the 60-semester-credit-hour requirement. This bill (SB 372) would be a step backward. Rather than weakening a good law, we suggest either amending the law to allow those licensed in other states to become licensed in Montana or offering more detail on the nature of the counseling training candidates for licensure must receive.

Those listed below oppose the passage of SB 372:

Dale Brotherton, Ph.D.
Assistant Professor
Montana State University

Richard Horswill, Ed.D.
Associate Professor
Montana State University

Michael Waldo, Ph.D.
Associate Professor
Montana STate University

Additional readings:

Council for Accreditation of Counseling and Related Educational Programs (1988). Accreditation procedures manual and application. Alexandria, VA: Author.

Covin, T. M., & Robinson, G. (1992). National training standards for mental health counselors who deliver clinical services. American Mental Health Counseling Association. Alexandria, VA: AMHCA.

Bergman, G. T. (1990). Mental health services in rural America. State Health Reports: Mental Health, Alcoholism, and Drug Abuse, 58, 1-14.

EXHIBIT 2
DATE 3-5-93
SB 372

Suggested More Detailed Revision:

~~(2)~~ (1) ~~To be licensed after December 31, 1987, an~~ An applicant for licensure must have satisfactorily completed:

(a) a planned graduate program of ~~90-quarter or~~ 60-semester- *(90-quarter-)* hours~~, primarily~~ *in* counseling *which includes components covering the following areas: Human Development/Disorders; Social/Cultural Influences; Helping Relationships; Groups; Appraisal; Career/Lifestyle Issues; Research; Professional Issues; and Counseling Practice.* ~~in nature, nine quarter~~ *Counseling practice will include* six-semester *three-semester (five-quarter hours)* hours of which were earned in an advanced counseling practicum, *(including a minimum of 40 client contact hours and one hour of individual and one and one half hours group supervision weekly by counseling program faculty members who are licensed as counselors or allied mental health professionals), and an internship totaling 600 hours of counseling activities including 240 client contact hours supervised for one hour individually and one and one half in group by a licensed professional counselor or licensed member of an allied mental health profession. The planned graduate program* which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling:

(b) 2,000 *3,000* hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half *2,000* of which was post-degree. The applicant must have each supervisor endorse ~~his~~ the application for licensure, attesting to the number of hours supervised.

(c) and passed an examination prepared and administered by:

(i) the Board, based on a national examination approved by the

board;

(ii) the national board of certified counselors; or

(iii) the national academy of certified clinical mental health counselors; and

(d) an application form and process prescribed by the board.

(2) The board shall provide by rule for licensure:

(a) of a person who possesses a minimum of 45-semester-hour graduate degree *in counseling* that is primarily related to counseling and that is from an institution accredited to offer a graduate program in counseling, by specifying *the candidate first complete a minimum of* the additional graduate credit hours *15-semester (or 30-quarter)* credit hours necessary to fulfill the requirements of subsection (1) (a) in counseling courses in an approved program within a period of five years; and

(b) of a person who possesses a licensure or certification as a professional counselor from an agency located in another state whose requirements are less than the requirements of this chapter, by:

(i) crediting *documented* past *supervised* clinical experience in psychotherapy and counseling; and

(ii) recommending additional education or experience necessary to fulfill the requirements of this chapter."

NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

--End--

EXHIBIT 3
DATE 3-5-93
SB 372

Mr. Chairman, Members of the House Business and Economic Development Committee:

My name is Dr. Leta Livoti. I am both a License Professional Counselor and a Licensed Social Worker. I am a member of the Board of Social Work Examiners and Professional Counselors. My doctorate is in Curriculum Development and Instruction. I am Chairperson of Carroll College's Social Work Department, and professor at Carroll College. I am here today as a board member, an educator and a concerned therapist.

My Concerns are as follows:

1. Compared with other programs, the academic training of less than 60 semester hours with only 1,000 supervisory hours is not adequate training to entrust counselors to deal with many of the serious and life threatening problems often encountered; such as suicide, sexual abuse, child custody cases, and commitments to mental hospitals.

   In the past, many of these people who applied for licensure did not take any proposed plan of study but instead took any courses that were available at any institution.

2. Until the present, none of the schools in Montana have an accredited program for counselors. This means they are not required to meet any national or regional standards. I believe Montana State University is now in the process of obtaining accreditation for their counseling program.

3. In the last year, of the 5 complaint cases that were filed against practitioners, seven (7) of them were filed against counselors. Many of these complaints could have been avoided if the counselor had had better training and had been better grounded in the area of ethics.

The Board is responsible for the protection of the public - the individuals who go to therapists. Because of the complexity of the issues involved, I feel very strongly that the standards of the profession need to be raised and the public needs to be protected.

Ever since 1990, when I was appointed to the Board of Social Work Examiners and Professional Counselors, I have been amazed that the Board has not been sued for allowing people under the old regulations who are not adequately trained to be licensed. If we do not have credible standards, if we revert back to the old regulations and if this bill is not killed, I fear that will happen.

Thank you for your attention,

Leta A. Livoti, Ph.D., LPC, LSW

EXHIBIT 4
DATE 3-5-93
SB 272

3-4-93

MR. Chairman and
DEAR COMMITTEE MEMBERS

I am here to address the two major proposed changes in the current licensusre law for professional counselors. The first change proposed is that those counselors who currently hold master degrees in counseling that are less than 60 semester credits be allowed to earn the additional credits needed by going back to school. The current law states that only those people with master degrees of 60 credits or more will be considered for licensure. The other option in this bill is to order the licensure board to substitute experience for the necessary academic training.

The Social Work Examiners and Professional Counselor Licensure Board strongly oppose this bill and feel that it is unnecessary and could pose a serious risk to the citizens of the state of Montana.

First, the board has been working very closely with the department heads of the university counseling departments for the past 2 years to address these specific types of problems and to bring all of the programs up to the national accreditation standards established by CACREP. One result of these meetings is the Ed.S. program at the U. of M. It is a 20-30 credit graduate specialization program for those people who currently have master degrees of less than 60 credits. This program addresses the first issue raised in this statement.

The second portion of the bill allows for the substitution of work experience for the missing academic training. CACREP has established 60 credits in 8 core areas including supervised advanced counseling practicums as the absolute minimum of education and training needed for minimum professional competence in the counseling field. This proposal is the one that concerns us the most. Which of the recommended 8 core areas or practicums would be dropped or decreased for the substitution of work experience. If you were to see a doctor or dentist, would you go to one who wasn't trained as completely as possible. The counseling profession is similar in that if it is poorly done, it could have life time impacts on individuals and families. All professionals, Montana colleges, and national accreditation agencies all agree on the 60 credit program for minimum competency in the counseling field and that it is not an arbitrary number just pulled from the clouds.

The biggest majority of those professionals who's degrees did not meet the state licensure requirements have already worked very hard to get their degrees upgraded. Since this licensure law was passed in 1985, these people have had 8 years to get their degrees updated. Now a miniscule number of state residents who have been doing nothing for 8 years suddenly want us to degrade the licensure requirements so

that they can qualify for third party payments. Where have they been for the past 8 years?

The proposed changes would affect only a very small number of current state counselors. If the substitution provision is approved it would affect out of state and out of country applicants more than those in state. As an example, during the summer of 1991, I was the one person responsible for handling all requests for transcript reviews prior to actual application for licensure. In 9 weeks, I worked over 700 hours. I lost my entire summer. After that, the board would no longer handle transcript reviews and would only review actual applications for licensure. Based upon the above hours and numbers, I estimate that it would take an additional full time LPC and 1 administrative assistant at a cost of approximately $90,000, not including office and administrative expenses.

The problems experienced by the board in the past in trying to help applicants get the needed additional credits, which were usually the required advanced practicums, was that the ccolleiges did not have sufficient supervisory staff to handle any more students than were currently enrolled in their graduate counseling programs. According to my information, at least the U. of M. and MSU would each need one additional counseling professor and supervisor to expand their current programs. This would cost in the neighborhood of $70,000 to $80,000 depending upon how deep the final cuts for funding of the systems.

At this point, the current board is barely able to handle the current flow of applications. There is no way that I can see how we would be able to comply with the items contained in this bill under our proposed budget for 93-94. We would need at least an additional $170,000 to $200,000.

The board is aware of and currently working on the issues that this bill attempts to resolve. Please allow us the opportunity to do the job that we were appointed to do before you start legislating criteria that will be difficult to impossible to implelment.

Finally, I belileve that all of this time and debate on this bill will become moot once the currently proposed national accreditation standards are implemented. These standards are higher than those currently in force here in Montana and even if this bill passes, those people who are licensed under these new proposed standards will not qualify for national accreditation or third party payments.

Erwin L. Booth, M.Ed., L.P.C.
Board member - Social Work Examiners and Profession
Counselor Licensure Board
Director of Special of Education - Roundup Central Sc

EXHIBIT 7
DATE 3-5-93
SB 372

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 3-5-92 BILL NO. SB 372 NUMBER

MOTION: BCAA

Motion Carried 14-4

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON	✓	
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY	✓	
REP. BOB BACHINI	✓	
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT, CHAIRMAN	✓	
	14	4

HR:1993
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Ec COMMITTEE BILL NO. SB 372

DATE March 5, 1993 SPONSOR(S) Surgsgood

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jack McDonald	Self	✓	
Mary McCue	Mt. Clinical Mental Health Counselors Assn	✓	
Lata Lindley, Ph.D	Board Member Therapeutic Education		✓
Richard Horsted	MSU Bozeman		✓
Michael Waldo	MSU Bozeman		✓
Dale Brattlington Dale Brattlington	MSU Bozeman		✓
Eric Shores	MSU Bozeman		
Ebu Booth	S.W. & LPC Licensure Board		✓
Beverly Barnhart	Investigator		✓
MC Hanlon	Bd of SWPC		✓
Richard Burmeister	Self		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.